



ITW

S&H Form: (10/03)

REPLY/AMENDMENT FEE TRANSMITTAL	Attorney Docket No.	1594.1258	
	Application Number	10/606,938	
	Filing Date	June 27, 2004	
	First Named Inventor	Chan-Jung PARK, et al.	
	Group Art Unit	1762	
AMOUNT ENCLOSED	0.00	Examiner Name	Kirsten Jolley

FEE CALCULATION (fees effective 10/01/03)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	24	- 24 =	0	X \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS	2	- 3 =	0	X \$ 86.00 =	0.00

Since an Official Action set an original due date of September 27, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$420); 3 months (\$950); 4 months (\$1,480); 5 months (\$2,010)):

If Notice of Appeal is enclosed, add (\$330.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:
- | | |
|----------------------|--------------------|
| Deposit Account No. | 19-3935 |
| Deposit Account Name | STAAS & HALSEY LLP |
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Darleen J. Stockley	Reg. No.	34,257
Signature	<i>Darleen J. Stockley</i>	Date	<i>September 9, 2004</i>

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Docket No.: 1594.1258

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chan-Jung PARK, et al.

Serial No. 10/606,938

Group Art Unit: 1762

Confirmation No. 4442

Filed: June 26, 2003

Examiner: Jolley, Kirsten

For: METHOD OF PROVIDING ANTIBACTERIAL ACTIVITY ON A SURFACE OF A BODY
USING NANO-SIZED METAL PARTICLES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 27, 2004, having a shortened period for response set to expire on September 27, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I (claims 1-10, 12-17 and 19-24)** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 11 and 18 are so closely related to elected claims 1-10, 12-17 and 19-24 that they should remain in the same application. The elected claims 1-10, 12-17 and 19-24 are directed to a method of providing antibacterial activity to a surface and claims 11 and 18 are drawn to an air cleaner comprising a filter having antibacterial activity according to the method of claims 10 and 17, respectively. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question

of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the product recited by the Group II claims (claims 11 and 18) is directed to an air cleaner comprising a filter having antibacterial activity according to the method of claims 10 and 17, respectively, and elected claims 1-10, 12-17, and 19-24 are directed to a method of providing antibacterial activity to a surface, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Date: September 9, 2004

1201 New York Ave, N.W., Ste. 700
Washington, D.C. 20005
(202) 434-1500

Respectfully submitted,
STAAS & HALSEY LLP
By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257